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FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

NOV 21 2017

SEAN F. McAVOY, CLERK
DEPUTY
SPOKANE, WASHINGTON

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,

2:17-CR-216-SMJ

Plaintiff,

INDICTMENT

vs.

BENJAMIN L. HIGGINS,

18 U.S.C. §§ 922(g)(1), 924(a)(2)
Felon in Possession of Firearm and
Ammunition

Defendant.

Forfeiture Allegations:
18 U.S.C. § 924, 28 U.S.C. § 2461

The Grand Jury Charges:

That on or about July 10, 2017, in the Eastern District of Washington,
BENJAMIN L. HIGGINS, having been convicted of a crime punishable by
imprisonment for a term exceeding one year, did knowingly possess in and affecting
interstate and foreign commerce a firearm and ammunition, to wit: a Smith & Wesson
model M&P9 Shield, 9 mm pistol, bearing serial number HNB4301, six rounds of
9mm ammunition head-stamped "TULAMMO 9MM LUGER", and two rounds of
9mm ammunition head-stamped "FC .9MM LUGER", which firearm and ammunition

1 had theretofore been transported in interstate and foreign commerce, in violation of 18
2 U.S.C. §§ 922(g)(1) and 924(a)(2).

3 NOTICE OF CRIMINAL FORFEITURE

4
5 1. The allegations contained in this Indictment are hereby realleged and
6 incorporated by reference for the purpose of alleging forfeitures pursuant to 18 U.S.C.
7 § 924(d)(1) and 28 U.S.C. § 2461(c).

8
9 2. Pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c), upon conviction
10 of an offense in violation of 18 U.S.C. § 922(g) as set forth in this Indictment,
11 Defendant BENJAMIN L. HIGGINS, shall forfeit to the United States of America,
12 any firearms and ammunition involved or used in the commission of the offense.
13

14 3. If any of the property described above, as a result of any act or omission
15 of the defendant[s]:

- 16
17 a. cannot be located upon the exercise of due diligence;
18 b. has been transferred or sold to, or deposited with, a third party;
19 c. has been placed beyond the jurisdiction of the court;
20 d. has been substantially diminished in value; or
21 e. has been commingled with other property which cannot be divided
22 without difficulty,
23


24
25 the United States of America shall be entitled to forfeiture of substitute property
26 pursuant to 21 U.S.C. § 853(p), as incorporated 28 U.S.C. § 2461(c).
27
28

1 All pursuant to 18 U.S.C. § 924(d) and 28 U.S.C. § 2461(c).

2 DATED this 21st day of November, 2017.

3
4
5 A TRUE BILL

6
7 Foreperson

8 
9 JOSEPH H. HARRINGTON
Acting United States Attorney

10 
11 Earl A. Hicks
12 Assistant United States Attorney